

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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BASF CORPORATION,

Plaintiff,

-against-

AAA BEST AUTO BODY & REFINISHING,  
INC.,

Defendant.

**ORDER TO SHOW CAUSE  
FOR DEFAULT JUDGMENT  
AGAINST AAA BEST AUTO  
BODY & REFINISHING INC.**

CIVIL ACTION NO.  
1:21-CV-01260-PGG

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HONORABLE PAUL G. GARDEPHE, United States District Judge:

On February 11, 2021, Plaintiff BASF Corporation (“BASF”), filed a Summons and Complaint in the United States District Court for the Southern District of New York against Defendant AAA Best Auto Body & Refinishing, Inc. (“Defendant”) (the “Complaint”) (ECF No. 1).

Despite having been properly served (ECF No. 8), Defendant failed to answer, move, or otherwise respond with respect to the Complaint. On March 25, 2021, a Clerk’s Certificate of Default was issued (ECF No. 12).

Defendant is hereby ORDERED TO SHOW CAUSE why a default judgment for failure answer, move, or otherwise respond the Complaint should not be entered, pursuant to Federal Rule of Civil Procedure 55. Such showing shall be made in writing, by affidavit and memorandum of law filed on or before April 29 \_\_\_\_, 2021.

ORDERED, that Defendant, appear and show cause before the Honorable Paul G. Gardephe, United States District Court Judge on the 13 day of May, 2021 at 9:00 ☒ a.m.\*

☐ p.m., or as soon thereafter as the parties can be heard, why a Default Judgment should not be

granted and entered in favor of Plaintiff and against Defendant, pursuant to Fed. R. Civ. P. 55(b), based upon its failure to answer, move, or otherwise respond with regard to Plaintiff's Complaint. The relief sought by Plaintiff is as follows:

- Entering judgment in Plaintiff BASF's favor, awarding monetary damages in an amount not less than \$877,374.05, consisting of \$124,249.40, which represents 110% of the Contract Fulfillment Consideration; \$747,100.45, which represents the remaining balance of the Minimum Purchases requirement of \$819,000.00; \$5,545.00, which represents the value of the Equipment; and \$479.20, which represents BASF's costs of a \$402.00 filing fee and \$77.20 in process server fees.

Service of a copy of this Order to Show Cause upon Defendant, via certified mail or overnight delivery, with the tracking number to be provided to the Court, on or before April 22 \_\_\_\_\_, 2021, shall be deemed good and sufficient service.

**SO ORDERED.**

Date: April 14 \_\_\_\_\_, 2021

  
\_\_\_\_\_  
PAUL G. GARDEPHE, U.S.D.J.

\*The hearing will take place by telephone. The parties are directed to dial 888-363-4749 to participate, and to enter the access code 6212642. The press and public may obtain access by dialing the same number and using the same access code. The Court is holding multiple telephone conferences on this date. The parties should call in at the scheduled time and wait on the line for their case to be called. At that time, the Court will un-mute the parties' lines. Seven days before the hearing, the parties must email Michael\_Ruocco@nysd.uscourts.gov and GardepheNYSDChambers@nysd.uscourts.gov with the phone numbers that the parties will be using to dial into the hearing so that the Court knows which numbers to un-mute. The email should include the case name and case number in the subject line.